

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 10/521 096

REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 25 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty. Dkt.: 2545-0464

From: Davidson Berquist Klima & Jackson, LLP:

Date: January 13, 2005

This is a REQUEST for FILING a PCT/USA National Phase Application based on:

1. International Application	2. International Filing Date	3. Earliest Priority Date Claimed (use item 2 if no earlier priority)
PCT/IB2003/003177	14 JULY 2003	25 JULY 2002
	DAY MONTH YEAR	DAY MONTH YEAR

4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) ☐ 20 months from date above in item 3 (b) ☒ 30 months from date above in item 3

Therefore, the due date (unextendable) is: JANUARY 25, 2005

5. Title of Invention: A SYSTEM FOR FORMING CONTAINERS, IN PARTICULAR CONTAINERS FOR FOOD PRODUCTS

6. Inventor(s): BOLDRINI, Fulvio; GHIOTTI, Roberto; CAVALLARI, Stefano

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start National Examination procedures (35 U.S.C. 371 (f)).
8. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) is transmitted herewith (filed if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:
9. ☒ Request c. 19 pages of Specification and Claims
10. ☒ Abstract d. 5 sheet(s) of Drawings – which are ☐ informal ☒ formal / ☐ A4 ☒ 11"
9. ☐ A copy of the International Application has been transmitted by the International Bureau.
10. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2))
- a. ☐ is transmitted herewith including:
- (1) ☐ Request (3) pages of Specification and Claims
- (2) ☐ Abstract (4) sheet(s) of Drawings – which are ☐ informal ☐ formal / ☐ A4 ☐ 11"
- b. ☒ is not required, as the application was filed in English.
- c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. ☐ Translation verification attached (not required now).
11. ☐ **PLEASE AMEND** the specification before its first line by inserting as a separate paragraph:
- a. ☐ This application is the National Phase of International Application PCT/ / filed which designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21 (2) in English.
- b. ☐ This application also claims benefit of U.S. Provisional Application No. 60/ , filed

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12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., **before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:**
13. ☐ PCT Article 19 claims amendments (if any) have been transmitted by the International Bureau.
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from date if item 3, box 4(a) above is X'd, or 30th month if box 4(b) is X's, or else amendments will be considered cancelled.)
15. **A Declaration of the Inventor (35 U.S.C. 371 (c)(4))**
 a. ☒ is submitted herewith ☐ Original ☒ Facsimile / Copy
 b. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**
 a. Was prepared by ☒ European Patent Office ☐ Japanese Patent Office ☐ Other
 b. ☐ has been transmitted by the International Bureau to the PTO.
 c. ☒ copy herewith (5 page(s)) ☒ plus Annex of family members (1 page(s)).
17. **International Preliminary Examination Report (IPER):**
 a. ☐ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
 b. ☒ copy herewith in English
 c. ☐ IPER Annex(es) in original language (Annexes are amendments made to claims / spec / drawings during Examination) including attached amended:
 d. ☐ # Specification / claim pages # Claims # Drawing Sheet(s)
 e. ☐ Translation of Annex(es) to IPER (required by 30th months due date, or else annexed amendments will be considered cancelled.)
18. **Information Disclosure Statement including:**
 a. ☒ Attached Form PTO-1449 listing documents.
 b. ☒ Attached copies of documents listed on Form PTO-1449.
 c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☒ Assignment document and Recordation Cover Sheet are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ Drawings (complete only if 8d or 10a(4) not completed): # of Sheets per # of Sets
 set
☐ Informal ☐ Formal ☐ A4 ☐ 11"
22. Small Entity Status ☒ is **NOT** claimed ☐ is claimed (pre-filing confirmation required).
- 22a. # Small Entity Statements enclosed (since 9/8/00 Small Entity Statements not essential to make claim).
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the International Stage based on the filing in (country) Italy of:
- | <u>Application Number</u> | <u>Filing Date</u> | <u>Application Number</u> | <u>Filing Date</u> |
|---------------------------|--------------------|---------------------------|--------------------|
| (1) BO 2002A 000485 | July 25, 2002 | (2) | |
| (3) | | (4) | |
- a. ☐ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
- b. ☒ Copy of Form PCT/IB/304 attached.
24. Attached:

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25. **Preliminary Amendment: Attached**

25.5 Per Item 17d, cancel original pages # , claims # , and Drawings sheets #

26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1) and other fees is as follows:**

Based on <u>amended</u> claim(s) per above item(s)	<input type="checkbox"/> 12	<input type="checkbox"/> 14	<input type="checkbox"/> 17	<input type="checkbox"/> 25	<input type="checkbox"/> 25.5 (highlight)
Total Effective Claims	10	Minus 20 =	0	X \$50 / \$25	0
Independent Claims	1	Minus 3 =	0	X \$200 / \$100	0
If any proper (ignore improper) Multiple Dependent claim is present,		add	\$360 / \$180		0
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(4)): BASIC FEE REQUIRED NOW					
Basic National Stage Fee				\$300 / \$150	300.00
National Stage Search Fee				\$500 / \$250	500.00
National Stage Examination Fee				\$200 / \$100	200.00
				SUBTOTAL	1000.00
27. If Assignment box 19 above is X'd, add Assignment Recording Fee of				\$40	40.00
28. Attached is a check to cover the - - - - -				TOTAL FEES	1040.00

30. ☐ Please charge the total fee to our deposit account below under the stated order no below:

Our Deposit Account No.: 50-3272

Our Order No.: 2545 / 0464

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

Harbin King & Klima
500 Ninth Street, SE
Washington, DC 20003
Main: (202) 543-6404
Fax: (202) 543-6406

By Atty.: Timothy J. Klima

Reg. No.: 34,852

Sig: _____